

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRE RICHARDS,  
*Petitioner,*

v.

BRIAN COLEMAN, et al.,  
*Respondents.*

CIVIL ACTION  
NO. 13-7109

**FILED**  
NOV - 6 2015  
MICHAEL KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 3rd day of November, 2015, for the reasons discussed in the accompanying Memoranda and upon consideration of the following documents:


- (1) Petition Under 28 U.S.C. § 2254 for Writ of *Habeas Corpus* by a Person in State Custody, which petition was filed by Petitioner, Andre Richards, *pro se* on December 5, 2013 ("Petition") (Doc. No. 1);
- (2) Response to Petition for Writ of *Habeas Corpus*, which response was filed by respondents Brian V. Coleman, *et al.* on October 7, 2014 (Doc. No. 12);
- (3) Report and Recommendation of United States Magistrate Judge Linda K. Caracappa filed November 24, 2014 (Doc. No. 13); and
- (4) The record developed in the state courts;

**IT IS ORDERED** that the Petition for Writ of *Habeas Corpus* relief is **GRANTED** as to Ground 1 (insufficient evidence to support a conviction) and Petitioner's conviction and sentence are **VACATED**;

**IT IS FURTHER ORDERED** that the Pennsylvania Department of Corrections shall release the Petitioner from custody unless he is provided with a new trial, to commence within 120 days of the date of this Order;

**IT IS FURTHER ORDERED** that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:



GENE E.K. PRATTER  
United States District Judge